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Counsel for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA**

DENALI NICOLE SMITH, on behalf of herself and others similarly situated, MEGAN E. HODGE, on behalf of herself and on behalf of her minor children, I.H. and B.H., and others similarly situated,

Plaintiffs,

vs.

MICHAEL DUNLEAVY, in his official capacity of Governor of the State of Alaska, KEVIN CLARKSON, in his official capacity as Attorney General of the State of Alaska, MIKE BARNHILL, in his official capacity as Interim Commissioner of the State of Alaska, Department of Revenue, ANNE WESKE, in her official capacity as Director of the Permanent Fund Division, State of Alaska, Department of Revenue,

Defendants.

Case No. 3:19-cv-00298 HRH

NOTICE OF TOPICS FOR DISCOVERY

Plaintiffs, by and through counsel, now give notice of the following topics for discovery in response to the court's order:

1. Discovery is needed on whether Defendant state officials continued enforcement of enjoined statutes on the basis of Alaska Stat. §§ 25.05.011-.013 and/or the state constitutional amendment banning issuance of marriage licenses, recognition of marriage, and other benefits of marriage, to same sex couples and their dependents from October 12, 2014 to the present.
2. Discovery is needed on whether Defendant state officials denied accompanying same sex spouses or children of Alaska residents in military service/students outside the state their permanent fund dividends on the basis of Alaska Stat. §§ 25.05.011-.013 and/or the enjoined state constitutional amendment banning same sex marriage.
3. Discovery is needed on whether Defendant state officials denied Plaintiff Denali Smith eligibility for the 2019 Permanent Fund Dividend (hereinafter "PFD") because she was a woman married to a woman who is a member of the Armed Forces of the United States who would, if married to a male member of the Armed Forces of the United States, be categorically eligible for the 2019 PFD.
4. Discovery is needed on whether Defendant state officials denied Plaintiff Megan E. Hodge, the State of Alaska denied Plaintiff's eligibility for the 2019 PFD because she is a woman married to a woman who is a member of the Armed Forces

of the United States who would, if married to a male member of the Armed Forces of the United States, be categorically eligible for the 2019 PFD.

5. Discovery is needed on whether Defendant state officials denied Plaintiffs I.H. and B.H., both minor children, the State of Alaska denied eligibility for their PFDs on June 14, 2019, because Plaintiff Megan Hodge, who is their legal mother married to their other legal mother, sponsored them for their PFDs, and the State of Alaska found them ineligible for PFD on the basis of illegally finding her ineligible.

6. Discovery is needed on whether Defendant state officials applied, and/or enforced, statutes and/or a constitutional amendment that they were permanently enjoined from enforcing under the explicit order of this court in *Hamby v. Parnell*, and that are also unenforceable as violative of Plaintiffs' and similarly situated persons' rights to due process and equal protection under the law as established by subsequent case law.

7. Discovery is needed on whether Defendant state officials denied accompanying spouses and dependents of military members and students the PFD based on the enjoined statutes from October 12, 2014 to the present.

8. Discovery is needed on whether Defendant state officials, through policies set and administered by state officials including the Governor, Attorney General, and other state officials and employees, denied persons marriage licenses, retirement and health benefits, and other benefits of marriage in addition to the PFD based on the

enjoined statutes of enjoined statutes on the basis of Alaska Stat. §§ 25.05.011-.013 and/or the enjoined state constitutional amendment that banned same sex marriage.

9. Discovery is needed on the identities and contact information of any and all persons denied a marriage license, health and retirement benefits, a PFD, or any other benefits of marriage, based on the enjoined statutes and/or the enjoined constitutional amendment from October 12, 2014 to the present.

10. Discovery is needed on the identities and contact information of any and all state officials and employees who denied persons a marriage license, health and retirement benefits, a PFD, or any other benefits of marriage, based on the enjoined statutes from October 12, 2014 to the present.

11. Discovery is needed on the type and extent of damages caused by the continued enforcement of the enjoined statutes from October 12, 2014 to the present.

12. Discovery is needed on Plaintiffs' claims and Defendants' defenses.

RESPECTFULLY SUBMITTED this 10th day of January 2020 at Anchorage, Alaska.

By: \_\_\_\_\_ /s/  
Caitlin Shortell #0405027

By: \_\_\_\_\_ /s/  
Heather Gardner #0111079

**CERTIFICATE OF SERVICE**

This certifies that on this 11th day of January, 2020, a copy of the foregoing document was served via electronic service upon:

Rebecca Cain  
State of Alaska, Office of the Attorney General  
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Attorney for Defendants

\_\_\_\_\_  
/s/  
Heather Gardner